

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JUDITH HARRIET SMITH,

Plaintiff,

No. 3:12-cv-00752-AC

v.

ORDER

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge John Acosta issued a Findings and Recommendation [17] on May 17, 2016, in which he recommends that the Court grant Smith's petition [15] for fees pursuant to 42 U.S.C. § 406(b) in the amount of \$7,595.00. Because EAJA fees in the amount of \$3,870.72 have already been awarded, Judge Acosta recommends crediting those fees against the current fee award and find the amount due to counsel is \$3,724.28.

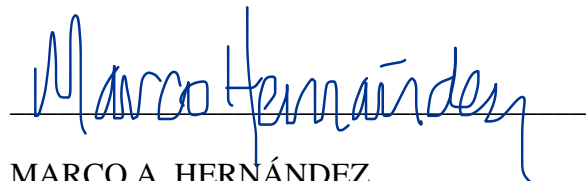
Because neither party timely filed an objection to the Magistrate Judge's Findings and Recommendation, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Acosta's Findings & Recommendation [17]. Accordingly, Smith's petition [15] for fees in the amount of \$7,595.00 pursuant to 42 U.S.C. § 406(b) is granted. The amount requested includes EAJA fees previously awarded in the amount of \$3,870.72. After the credit is taken for those previously paid fees, the amount due to counsel is \$3,724.28.

IT IS SO ORDERED.

DATED this 5 day of July, 2016.


MARCO A. HERNÁNDEZ
United States District Judge